

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, et al.,

*Plaintiffs,*

v.

DALE FOLWELL, et al.,

*Defendants.*

No. 1:19-cv-00272-LCB-LPA

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT  
ON THEIR CONSTITUTIONAL CLAIMS**

Pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 56.1, Plaintiffs Maxwell Kadel; Jason Fleck; Connor Thonen-Fleck; Julia McKeown; Michael D. Bunting, Jr.; C.B.; and Dana Caraway (collectively, "Plaintiffs"),<sup>1</sup> respectfully move the Court for summary judgment on their constitutional claims, seeking declaratory and permanent injunctive relief on their claims under the Equal Protection Clause of the Fourteenth Amendment.

Plaintiffs seek summary judgment on their claim that Defendants' enforcement of categorical exclusions of gender-confirming care for transgender people in the North Carolina State Health Plan for Teachers and State Employees constitutes unlawful

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<sup>1</sup> Mr. Silvaine's Equal Protection claim is moot because he no longer works for the state.

discrimination based on sex and transgender status in violation of the Equal Protection Clause of the Fourteenth Amendment. Plaintiffs respectfully request that this Court issue a declaratory judgement finding that Defendants' enforcement of the categorical exclusions violates Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment, and permanently enjoin Defendants, their agents, employees, successors, and all others acting in concert with them, from enforcing the categorical exclusions of coverage for gender-confirming health care.

Dated: November 30, 2021

Respectfully submitted,

/s/ Amy E. Richardson

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\* Appearing by special appearance pursuant to L.R. 83.1(d).

## **CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

Dated: November 30, 2021

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